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09/899,453	07/05/2001	Gerald Francis McBrearty	AUS9-2001-0338-US1	4097

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EXAMINER
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NGUYEN, TRI V

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/899,453

**Applicant(s)**

MCBREARTY ET AL.

**Examiner**

Tri V. Nguyen

**Art Unit**

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7,9-11,13,15-17,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7,9-11,13,15-17,19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. The Response to Office Action filed on January 18<sup>th</sup> 2006 has been considered but is ineffective to overcome the Ng (6,405,175) reference. The Response to Office Action amended Claims 1, 7, 13 and 19 and cancelled Claims 2, 6, 8, 12, 14 and 18. The currently pending claims considered below are Claims 1, 3-5, 7, 9-11, 13, 15-17 and 19-20.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 19 and 20 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 recites "computer program of claim 18"; however, Claim 18 has been cancelled. Furthermore, the limitations of Claim 19 (in context of Claim 19 being dependent on the independent Claim 13) does not further limit the subject matter of Claim 13.

Claim 20 is dependent on Claim 19 and inherit the same deficiency.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3622

5. Claims 1, 3-5, 7, 9-11, 13, 15-17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ng (6,405,175).

Claim 1: Ng discloses in a World Wide Web (Web) communication network with user access through a plurality of data processor controlled user interactive receiving display stations, a system for buying products offered from Web sites comprising:

- a. means at a receiving display station for displaying a Web page accessed from a Web site (col 5, lines 27-36 and Fig 2, element 40);
- b. means for selecting a product offered for sale from said Web page (col 3, lines 44-49; col 8, lines 36-45; col 11, lines 2-20; col 15, lines 25-30 and Fig 2);  
but does not explicitly disclose
- c. means for storing at said receiving station, a set of predetermined search queries respectively to each of a set of Web database sites for data related to attributes of a selected product; and
- d. means responsive to a selection of a product for automatically sending said search queries to said Web database sites to thereby provide a purchase profile of the product.

Ng discloses downloading a special scout browser with optimization functions at receiving station (col 15, lines 61-63). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Ng, with the means for storing the search queries at the receiving station since it was known in the art that storing information at the receiving station is used to provide an optimization of the retrieval of the information on a network by locally caching the information.

Furthermore, Ng discloses the feature of iteratively displaying the search queries (col 11, lines 2-20) and the use automatically retrieving information (col 6, lines 52-62). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Ng, with automatically sending the search queries upon selection of a product since it was

Art Unit: 3622

known in the art that storing information at the receiving station is used to provide an optimization of the retrieval of the information on a network and enhance the web browsing experience of the users.

Claim 3: Ng discloses the Web system for buying products of claim 1 wherein one of said search queries is sent to a database Web site providing data on the quality of the Web sites offering products (col 8, lines 64-67 and col 10, lines 2-47).

Claim 4: Ng discloses the Web system for buying products of claim 1 wherein one of said search queries is sent to a database Web site providing data on the quality of the selected product (col 17, lines 57-67 and col 18, lines 1-34).

Claim 5: Ng discloses the Web system for buying products of claim 1 wherein one of said search queries is sent to a database Web site providing data on the comparative price of the selected product at a plurality of Web sites offering the product (col 5, lines 27-34; col 6, lines 64-67; col 7, line 1 and col 7, line 15-21).

Claim 7: Ng discloses in a Web communication network with user access through a plurality of data processor controlled user interactive receiving display stations, a method for buying products offered from a plurality of Web sites comprising:

- a. displaying a Web page accessed from a Web site at a receiving display station (col 5, lines 27-36 and Fig 2, element 40);
- b. selecting a product offered for sale from said Web page (col 3, lines 44-49; col 8, lines 36-45; col 11, lines 2-20; col 15, lines 25-30 and Fig 2);

but does not explicitly disclose

Art Unit: 3622

- c. storing at said receiving station, a set of predetermined search queries respectively to each of a set of Web database sites for data related to attributes of a selected product; and
- d. sending said search queries to said Web database sites responsive to a selection of a product to thereby form a purchase profile of the product.

Ng discloses downloading a special scout browser with optimization functions at receiving station (col 15, lines 61-63). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method as taught by Ng, with the means for storing the search queries at the receiving station since it was known in the art that storing information at the receiving station is used to provide an optimization of the retrieval of the information on a network by locally caching the information.

Furthermore, Ng discloses the feature of iteratively displaying the search queries (col 11, lines 2-20) and the use automatically retrieving information (col 6, lines 52-62). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method as taught by Ng, with automatically sending the search queries upon selection of a product since it was known in the art that storing information at the receiving station is used to provide an optimization of the retrieval of the information on a network and enhance the web browsing experience of the users.

Claim 9: Ng discloses the method for buying products of claim 7 wherein one of said search queries is sent to a database Web site providing data on the quality of the Web sites offering products (col 8, lines 64-67 and col 10, lines 2-47).

Claim 10: Ng discloses the method for buying products of claim 7 wherein one of said search queries is sent to a database Web site providing data on the quality of the selected product (col 17, lines 57-67 and col 18, lines 1-34).

Art Unit: 3622

Claim 11: Ng discloses the method for buying products of claim 7 wherein one of said search queries is sent to a database Web site providing data on the comparative price of the selected product at a plurality of Web sites offering the product (col 5, lines 27-34; col 6, lines 64-67; col 7, line 1 and col 7, line 15-21).

Claim 13 describes a computer program having a code recorded on a computer readable medium of claims 1 and 7; therefore, the prior arts of Ng as set forth above in claims 1 and 7 are relied upon to reject claim 13 (*cf.* claims 1 and 7 above).

Claim 15 describes a computer program having a code recorded on a computer readable medium of claims 3 and 9; therefore, the prior arts of Ng as set forth above in claims 3 and 9 are relied upon to reject claim 15 (*cf.* claims 3 and 9 above).

Claim 16 describes a computer program having a code recorded on a computer readable medium of claims 4 and 10; therefore, the prior arts of Ng as set forth above in claims 4 and 10 are relied upon to reject claim 16 (*cf.* claims 4 and 10 above).

Claim 17 describes a computer program having a code recorded on a computer readable medium of claims 5 and 11; therefore, the prior arts of Ng as set forth above in claims 5 and 11 are relied upon to reject claim 17 (*cf.* claims 5 and 11 above).

Claim 20: Ng discloses the computer program of claim 13 further including:

- a. means for adding or deleting predetermined search queries to said set of queries (col 9, lines 53-69 and Figs 3 and 7); and

Art Unit: 3622

- b. means for adding or deleting Web database sites to said set of Web database sites (col 5, lines 34-43 and Fig 3).

### ***Response to Arguments***

6. Applicant's arguments, see page 8 -10, filed on January 18, 2006, with respect to the rejection(s) of claim(s) 1, 7 and 13 under 35 USC § 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the same prior art of Ng (6,405, 175).

A. Regarding the request for a telephone interview prior to further prosecution, the Applicant is reminded that a telephone interview was conducted on January 4<sup>th</sup>, 2006. An interview summary has been filed.

B. The amended claims 1, 7, 13 and 19 have been addressed in the rejections above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri V. Nguyen whose telephone number is (571) 272-6965. The examiner can normally be reached on M-F 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 3622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

nvt

A handwritten signature in black ink, appearing to read "Eric W. Stamber", with a stylized flourish at the end.

**ERIC W. STAMBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600**